

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Massachusetts Department of Telecommunications)	NSD File No. L-00-169
and Energy Petition for Delegation of Additional)	
Authority to Implement Number Conservation Measures)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	

**COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA)¹ hereby files its comments on the petition filed by the Massachusetts Department of Telecommunications and Energy (Massachusetts) for delegation of additional authority to implement various number conservation methods on a state-wide basis in the above-captioned proceeding.² Massachusetts acknowledges that it sought similar authority in a petition filed February 17, 1999³ for specific eastern regions of Massachusetts. The Commission granted portions of that request on September 15, 1999.⁴ In its current petition, Massachusetts seeks interim delegated authority until the Commission implements national conservation measures to: (1) institute thousand number block number

¹ The United States Telecom Association, formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

² Public Notice, DA 00-1982, released August 29, 2000 (Public Notice).

³ Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (First Massachusetts Petition).

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pooling trials; (2) reclaim reserved NXX codes and portions thereof; (3) set numbering allocation standards; (4) set and/or revise rationing procedures; (5) hear and address claims of carriers seeking numbering resources outside the rationing process; and (6) maintain rationing procedures for six months following NPA relief.

In its *Report and Order and Further Notice of Proposed Rule Making* in CC Docket No. 99-200 (*Report and Order*),⁵ the Commission adopted a mandatory utilization data requirement, a uniform set of categories of numbers to be used by carriers to report their number utilization, and a utilization threshold framework, which are collectively designed to increase carrier accountability and incentives for carriers to use numbers efficiently. The Commission also adopted mandatory thousand block number pooling as a nationwide resource optimization strategy.

Most of the specific relief measures requested by Massachusetts were addressed by the Commission in its *Report and Order*. Although these comments addressing Massachusetts's requests reflect that much of the relief requested by Massachusetts generally has been accorded to all states by the Commission's action in its *Report and Order*, USTA does not necessarily agree with each of the Commission's determinations as the best way to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is "essential to the efficient delivery of telecommunications services in the United States."⁶ The Commission has further recognized that the industry, the Commission, and the states should

⁴ Order on Massachusetts Petition, 14 FCC Rcd 17447 (1999) (Massachusetts Order).

⁵ 15 FCC Rcd 7574 (2000).

⁶ Memorandum Opinion and Order and Order on Reconsideration, *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”⁷

USTA believes that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). USTA will evaluate the Commission’s actions against the overarching need to preserve and enhance effective nationwide number planning, conservation and administration.

A majority of the states have filed requests with the Commission since February 1999 seeking similar individual state relief to deal with number shortages.⁸ The Commission has now granted portions of 25 of the states’ requests.⁹ USTA has filed comments on each of the

⁷ *Id.*

⁸ In addition to the First Massachusetts Petition, they are: New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition); Wisconsin Public Service Commission Petition, NSD File No. L-99-64 (Wisconsin Petition); New Hampshire Public Utilities Commission Petition, NSD File No. L-99-71 (New Hampshire Petition); the Public Utilities Commission of Ohio Petition, NSD File No. L-99-74 (Ohio Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-99-82 (Indiana Petition); Nebraska Public Service Commission Petition, NSD File No. L-99-83 (Nebraska Petition); Utah Public Service Commission Petition, NSD File No. L-99-89 (Utah Petition); Missouri Public Service Commission Petition, NSD File No. L-99-90 (Missouri Petition); Iowa Utilities Board Petition, NSD File No. L-99-96 (Iowa Petition); Tennessee Regulatory Authority Petition, NSD File No. L-99-94 (Tennessee Petition); Virginia State Corporation Commission Petition, NSD File No. L-99-95 (Virginia Petition); Georgia Public Service Commission Petition, NSD File No. L-99-98 (Georgia Petition); North Carolina Utilities Commission Petition, NSD File No. 99-97 (North Carolina Petition); Arizona Corporation Commission Petition, NSD File No. 99-100 (Arizona Petition); Pennsylvania Public Utility Commission Petition, NSD File No. L-99-101 (Pennsylvania Petition); Colorado Public Utilities Commission Petition, NSD File No. L-00-16 (Colorado Petition); Public Service Commission of Kentucky, NSD File No. L-00-08 (Kentucky Petition); Oregon Public Utility Commission Petition, NSD File No. L-00-29 (Oregon Petition); and New Jersey Board of Public Utilities Petition, NSD File No. L-00-95 (New Jersey Petition).

⁹ In addition to the Massachusetts Order, they are: Order on New York Petition, FCC 99-247, released September 15, 1999 (New York Order); Order on Florida Petition, FCC 99-249, released September 15, 1999 (Florida Order); Order on California Petition, FCC 99-248, released September 15, 1999 (California Order); Order on Maine Petition, FCC 99-260, released September 28, 1999 (Maine Order); Order on Connecticut Petition, DA 99-2633, released November 30, 1999 (Connecticut Order); Order on New Hampshire Petition, DA 99-2634,

petitions, opposing the states' requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states' authority to implement conservation measures on an individual basis in its comments and reply comments in response to the Commission's *Notice of Proposed Rulemaking* in CC Docket No. 99-200 (*Notice*).¹⁰

Notwithstanding the Commission's partial grant of some of the states' requests and the Commission's recent decision in the *Report and Order*, USTA continues to be concerned over grant of additional authority to individual states in contravention of the nationwide number conservation policies and procedures. To the extent that Massachusetts seeks additional authority that would frustrate the national number conservation plan, USTA opposes the Massachusetts request for the reasons articulated in its earlier pleadings. Rather than repeat the reasons stated therein, USTA hereby incorporates by reference all of its pleadings filed in the proceedings listed in footnotes 8 and 9, *supra*.

USTA provides the following comments on Massachusetts's specific requests for authority in light of the Commission's recent *Report and Order* and its *Multiple State Order*.

1. Thousand Block Pooling Trials

Massachusetts seeks authority to implement thousand block pooling trials throughout Massachusetts. USTA remains concerned over the continued deployment of software version 1.4 in state pooling trials. Massachusetts does not specify whether it would use version 1.4 or 3.0. A broad range of carriers, including ILECS, AT&T and WorldCom, have objected to

released November 30, 1999 (New Hampshire Order); Order on Ohio Petition, DA 99-2635, released November 30, 1999 (Ohio Order); Order on Texas Petition, DA 99-2636, released November 30, 1999 (Texas Order); Order on Wisconsin Petition, DA 99-2637, released November 30, 1999 (Wisconsin Order); and Order on Arizona, Colorado, Georgia, Indiana, Iowa, Kentucky, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington Petitions, DA 00-1616, released July 20, 2000 (*Multiple State Order*).

¹⁰ 14 FCC Rcd 10322 (1999).

additional deployment of version 1.4. USTA continues to urge the Commission to investigate the problems connected with this version and that it should not, in the meantime, delegate any authority that would permit any state commission to require its further deployment.

We must reiterate that the industry is working energetically to conclude development of the details of thousand block pooling that is supported by version 3.0 of the NPAC software. Pooling based on version 1.4 in Illinois has been a valuable learning experience for the industry, but it also has its problems, one of which is that it cannot support efficient data representation (EDR). The industry is not looking to this form of pooling for long term deployment. USTA also believes that the notion that version 1.4 can be deployed quickly is incorrect. It is essential that all industry energy and activity be focused on the form of pooling to which the industry has committed for the future. For these reasons, we urge the Commission to conclude that any pooling deployment ordered pursuant to Commission authority be compliant with version 3.0.

2. Reclamation of Unused Number Resources

Massachusetts requests delegated authority to reclaim unused number resources, including reserved exchange codes. In the *Multiple State Order*,¹¹ the Commission stated that it had already addressed this optimization measures in the *Report and Order*, and that it would not rule on those aspects of the pending state petitions. Massachusetts has not demonstrated any reason for the Commission to take any different action on the subject requests. Therefore, USTA urges the Commission not to rule on this portion of Massachusetts's petition.

3. Revised Rationing Procedures

Massachusetts requests authority to impose rationing procedures and maintain such measures for six months following an NPA relief plan. USTA believes that this proposal must

¹¹ *Multiple State Order* at 4.

be rejected, if for no other reason than for its imprecision and lack of specificity. If Massachusetts's proposed relief plan can be implemented quickly, numbers in the new NPA are assigned only where needed.¹² Without additional specificity, the Commission must reject this proposal. The authority requested is vague and does not observe the concerns stated by the Commission in its authority granted to New York.¹³

Conclusion

To the extent that the Commission has already generically granted the relief sought by Massachusetts, USTA submits that the Massachusetts petition is moot. To the extent that Massachusetts seeks additional authority beyond that granted to the states or that specified in the

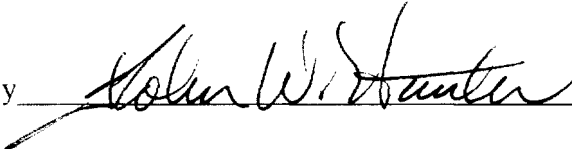
¹² One of the advantages of an overlay plan that is often overlooked in the impassioned rhetoric concerning the "anti-competitive effects" of overlays is that numbers from the new NPA are only assigned where they are needed. If a split were to be made, in the area in which the new code is to be assigned, everyone must change numbers. In an overlay, consumers outside the area where exhaust is a problem need only be concerned with dialing a new NPA when there is a need to reach subscribers with the new numbers. Numbers with the new NPA are assigned only in the area in which exhaust is a problem. USTA sees that as a powerful argument in favor of overlays.

¹³ New York Order at 15.

Report and Order, USTA opposes the request as frustrating the need for nationwide number conservation and administration standards.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

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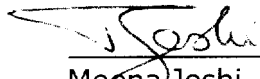
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September 27, 2000

CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on September 27, 2000, Comments Of The United States Telecom Association was either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the following person(s):

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